

REMARKS

The following remarks are submitted to address the issues raised in the Office Action mailed June 19, 2003.

Claims 1-26, 28-42, 52-58, and 109-129 are pending in the present application.

Claims 59-108 were cancelled in a preliminary amendment filed December 29, 2000.

Claims 27, and 43-51 have been cancelled without prejudice to or disclaimer of the subject matter contained therein.

Claims 109-129 were added by amendment filed April 14, 2003, and have been cancelled in the present Office Action response.

Claims 23-25, 35, 38, 42, 109-111, 114, 117, 121, and 122 stand rejected under 35 U.S.C. 102(b) as anticipated by US 5,243,021 to Langer *et al.*

Claims 26, 28, 36, 37, 39, 40, 52-58, 112, 113, 115, 116, 118-120, and 123-129 stand objected to as indicated below.

Claims 1-22 and 29-34 are allowable over the prior art.

No new matter has been added. The foregoing rejections and other items in the Office Action are addressed in the following paragraphs. Consideration of the pending claims is respectfully requested in view of the following comments.

Claim Amendments and Cancellations

Claim 23 has been amended to recite “[a] colored light absorbing composition having the formula” Support for the amendment can be found on the following pages of the application: p. 1, ln. 17-22; p. 2, ln. 33-36; p. 11, ln. 23-28; p. 31, ln. 12-17, and pp. 36-38.

Claims 24, 26, 36, 37, and 39-41 have been rewritten in independent form to include the limitations of claim 23.

Claims 109-129 have been cancelled without prejudice to or disclaimer of the subject matter claimed therein.

Claims 23, 35, 38 and 42 —35 U.S.C. § 102(b)

The rejection of claims 23, 35, 38, and 42 under 35 U.S.C. § 102(b) as being anticipated by Langer is respectfully traversed.

The present invention relates to colorants and to methods for preparing light absorbing polymeric compositions which because of their light absorbing properties result in the polymeric compositions that exhibit a particular color. The polymer compositions can be blended with a thermoplastic causing the thermoplastic to also become colored.

Langer relates to water-dispersible copolymers which contain a UVA light-absorbing monomer, a UVB light-absorbing monomer, and a hydrophilic monomer component. The copolyesters may be used in fabric care compositions, personal product compositions, and in other applications recognized by those skilled in the art.

Applicants have amended claim 23 to recite “[a] colored light absorbing composition having the formula” Langer does not disclose colored polymer compositions. Langer discloses polymer compositions made from stilbene (col. 18, ln. 33-54), and planar aromatic and alkane esters (col. 18, ln. 55-59), neither of which are colored. Further, there is no suggestion or teaching in Langer to use colored UV absorbing polymer compositions. Accordingly, Applicants respectfully submit that amended claim 23 is not anticipated by the UV absorbing polymers disclosed in Langer. As claims 35, 38 and 42 depend from claim 23, Applicants respectfully submit that claims 35, 38 and 42 are also patentable over Langer.

Claims 24 and 25 - 35 U.S.C. § 102(b); Claim 28 - Objection

The rejection of claims 24 and 25 under 35 U.S.C. § 102(b) as being anticipated by Langer is respectfully traversed. Further, the objection to claim 28 as being dependent upon a rejected base claim is respectfully traversed.

Claims 24, 25, and 28 are drawn to thermoplastics blended with light absorbing polymers. Claim 24 has been rewritten in independent form to include the limitations of claim 23.

Contrary to the Examiner's statement, Langer does not disclose the use of thermoplastics blended with light absorbing polymers. Langer discloses the use of crosslinked polyacrylates (col. 12, ln. 30-32). Crosslinked polyacrylates are not thermoplastic polymers. Thermoplastic polymers comprise polymer chains that are not crosslinked, and thermoplastics become a flowable material when heated. A crosslinked polymer, such as a crosslinked polyacrylate, degrades when heated rather than flowing because of its crosslinked structure. Accordingly, Applicants respectfully submit that claims 24 and 25 are not anticipated by Langer because Langer does not disclose the use of thermoplastics.

With regard to claim 28, Applicants submit that claim 28 is patentable based on its dependency from independent claim 24.

Claims 26, 36, 37, 39, 40, and 52-58 - Objection

The objection to claims 26, 36, 37, 39, 40, and 52-58 as being dependent upon a rejected base claim is respectfully traversed.

Claims 26, 36, 37, 39, and 40 have been rewritten in independent form to incorporate the limitations of claim 23.

Claims 52-58 ultimately depend from claim 26. Applicants submit that claims 52-58 are patentable based on their dependency from independent claim 26.

Claim 41

Applicants note that the status of claim 41 is not explicitly stated in the Office Action mailed June 19, 2003.

Claim 41 has been rewritten in independent form to incorporate the limitations of claim 23, and Applicants respectfully submit that amended claim 41 is not anticipated by the publications cited by the Examiner in this case.

Fee

The fee of \$504.00 for the 6 additional independent claims added to this application is included with the Office Action response. Applicants previously paid for 3 independent claims. Applicants have cancelled 1 independent claim in this Office Action (claim 109) and have rewritten 7 claims in independent form (claims 24, 26, 36, 37, 39, 40, and 41).

CONCLUSION

For the foregoing reasons, a favorable Office Action is respectfully solicited. The Examiner is respectfully invited to contact Sam Rollins at (336) 607-7432 to discuss any matter relating to this application.

Respectfully submitted,

Date:

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